

**OPINION
55-76**

September 24, 1955 (OPINION)

LIVESTOCK

RE: Brand Inspection

In your letter of September 17, 1955, you request an opinion as to whether consignors of stock must first have their stock shipments inspected, you wish to know the cost per head of such inspection, and whether there must be an inspection on the receiving end before the stock can be sold.

Indirectly the law requires shippers of stock to submit to the inspections by county brand inspectors. Section 36-1007 of the North Dakota Revised Code of 1943 states:

No railroad company, truck line, or trucker operating in or through any county in this state in which a brand inspector has been appointed, shall accept for shipment from any point within such county, any horses, cattle, or mules until a certificate of inspection signed by a county brand inspector is filed by the consignor with such company or its agent."

As for compensation for such inspections, section 36-1006 of the Code provides that the brand inspectors will charge fifteen cents for each head inspected, such compensation not to exceed fifteen dollars for each separate shipment by an individual shipper and not to be less than two dollars from one shipped.

There is no law requiring inspection on the receiving end for shipments entirely within this state. It is impossible to comment on laws of other states as far as inspection on the receiving end is concerned.

I am sending a copy of this opinion to the North Dakota Peace Officers Association; perhaps they can suggest some way to better enforce the brand enforce the brand inspection law so as to avoid the yearly loss of livestock you mentioned.

LESLIE R. BURGUM

Attorney General